

In re Patent Application of:

WRIGHT ET AL.

Serial No. **09/976,647**

Filed: **10/11/01**

REMARKS

Claims 59-75 remain in this application. Claims 1-58 have been cancelled.

Applicants thank the Examiner for the detailed study of the application and prior art.

Applicants also have submitted under separate pages a Petition to Suspend Action by the United States Patent and Trademark Office Under 37 CFR §1.103(c) for three months.

Applicants request suspension of this patent application in order to determine what action should be taken (if any) based upon the request for reexamination of U.S. Patent No. 6,181,990. The copied claims from U.S. Patent No. 6,181,990 in this application had been rejected under prior art located by the Examiner. Applicants used this prior art as a basis for request for reexamination of U.S. Patent No. 6,181,990. The order granting the request for reexamination was mailed on November 10, 2003.

As to the present application, Applicants request reconsideration in light of the following remarks:

Applicants disagree that some of those copied claims were not patentable to Applicants. Applicants contend that the previously filed Amendment of February 4, 2003 placed patentable features previously claimed in dependent claims 60,

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61, 71 and 72 into independent claim format, and that an interference should be initiated with Applicants as senior party because at least one claim is patentable. "If at least one of the presented claims is not rejectable on any such ground and is claiming the same invention as at least one claim of the patent, the examiner should proceed to propose an interference." MPEP 2307.02.

Claims 61 and 72 claim not only the cellular infrastructure, but also claim the use of the public-switched telephone network, which is not suggested by the combination of the three references used by the Examiner, i.e., U.S. Patent No. 5,351,194 to Ross et al. (hereinafter "Ross"), in view of U.S. Patent No. 5,652,717 to Miller et al. (hereinafter "Miller"), and U.S. Patent No. 5,943,399 to Bannister et al. (hereinafter "Bannister"). The public-switched telephone network was recited in dependent Claims 61 and 72, copied from the '990 patent, now in independent claim format.

Claims 60 and 71 not only claim the cellular infrastructure, but also claim the use of the internet, which is also not suggested by the combination of Ross in view of Miller and Bannister. The use of the internet was recited in

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dependent Claims 60 and 71, copied from the '990 patent, now placed in independent claim format.

At the outset, Applicants note that Ross is directed to overcoming prior art problems associated with using a public-switched telephone network for clearing a flight plan (IFR) after an aircraft reaches its destination. This is clearly noted in the Background of the Invention at column 2, starting at line 2, where Ross teaches that the prior art manner of using a land-line telephone was unacceptable. For example, it was necessary to cancel an IFR flight plan shortly after an estimated time-of-arrival. When this interval was exceeded, a search was begun. This unnecessary search could occur because it would take several minutes to taxi, secure the aircraft and passengers, and locate a telephone and use the public-switched telephone network to cancel the flight plan.

As a result, Ross is specifically directed to the sole use of the cellular system. Ross teaches three aircraft switches that can be activated, such as during a crash or by landing at a destination airport when the wheels touch the ground. At that time, one of the switches activates the controller (10), which communicates through an interface to a cellular modem that accesses the cellular system and downloads

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any data to cancel a flight plan. In column 6, starting at line 37, Ross specifically teaches the use of a cellular system that is advantageous over the public-switched telephone network described in the Background. Thus, Ross specifically teaches away from any use of a public-switched telephone network.

The Examiner uses Miller to conclude that the acquisition of data from an aircraft 14 uses a telecommunication network 22 and internet connection 30.

Applicants note that Miller is specifically directed to obtaining data from numerous resources into a large database to acquire from many different resources a vast amount of geographic data. It is clear that different data comes from different sources, such as an aircraft 14 or satellite 12. This data is received within a receiving facility 20 and transmitted through a transmission element, such as a wireless, fiber optic or cable element to an acquisition system 50 at a central location 40. Other data is received at the acquisition system 50 from the internet over an internet connection 32.

It is clear that the internet connection as shown in FIGS. 1 and 2 of Miller is not used for communicating data that is downloaded from an aircraft. Instead, the internet

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connection of Miller is used to obtain additional data that is combined with data downloaded from an aircraft for later processing. The internet connection in Miller has nothing to do with transmitting data downloaded from the aircraft. Nowhere does Miller suggest the use of an internet operative with a cellular infrastructure for transmitting downloaded data from an aircraft to a flight processing center or other data receiver.

Indeed, the combination of Ross and Miller would suggest a system that downloads data from an aircraft into a cellular system and uses an internet connection to receive additional data from some other source besides the aircraft, such as a database located at some other system server, which is added to the downloaded data from the aircraft within the cellular system. Nowhere is there any suggestion of using the cellular system and internet for transmitting any downloaded data from an aircraft to a data reception unit.

As to Bannister, it is specifically directed to using a public-switched telephone network and internet connection for reducing the disadvantages for Short Messaging Services. A caller uses workstations that run software applications that interact with Short Messaging Subsystems. In Bannister, a caller determines the status of a particular

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terminal before attempting to communicate with that terminal, such as a mobile voice terminal, which includes a display for displaying alpha-numeric information (a short message). A caller determines the status of the mobile voice terminal and uses a short message request icon. The workstation is used with the PSTN and internet to forward data for the Short Messaging Service.

Nowhere does Bannister suggest downloading flight data from an aircraft to a cellular infrastructure and through a public-switched telephone network that receives data from the cellular system. Indeed, Bannister teaches the opposite of transmitting data through a public-switched telephone network because, in Bannister, messages originate from a terminal at a residence or similar location that is directly connected to the public-switched telephone network. The internet connection can be used to obtain data, combined at the terminal and forwarded. In the present claimed invention, the aircraft lands and accesses the cellular infrastructure and forwards data through an internet and/or public-switched telephone network. This is the opposite of Bannister.

Applicants contend that amended Claims 60, 61, 71 and 72 as now submitted are patentable over the cited prior art. Because Claims 60, 61, 71 and 72 presented in this

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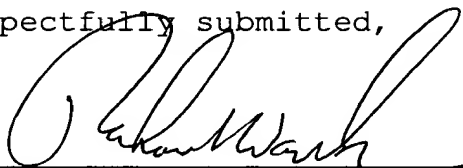
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Amendment are copied claims from U.S. Patent No. 6,181,990,
but placed in independent format, an interference should be
initiated with Applicants as senior party with respect to all
the claims.

Respectfully submitted,



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